

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RED BULL NORTH AMERICA, INC. and  
RED BULL GMBH LIMITED LIABILITY COMPANY,

Plaintiffs,

-VS-

SOHO EAST AVENUE INC., 289 ALEXANDER  
STREET INC., DAVIS COWDEN INC., 336 DUKES  
INC., RDCUSE INC., and RONALD A. DAVIS,

Defendants.

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**NOTICE OF MOTION**

Civil Action No. 07-CV-6112T(P)

**PLEASE TAKE NOTICE**, that upon the attached attorney's affidavit of Sarah Snyder Merkel, Esq., sworn to November 26, 2007, and the exhibits attached thereto, and all the pleadings and proceedings heretofore had herein, defendants Soho East Avenue Inc., 289 Alexander Street Inc., Davis Cowden Inc., 336 Dukes Inc., RDCUSE Inc., and Ronald A. Davis (hereinafter collectively "Defendants"), by and through their attorneys, The Wolford Firm LLP, will move this Court at a motion term to be held before the Honorable Marian W. Payson, United States Magistrate Judge, at the United States Courthouse, 100 State Street, Rochester, New York, on a date and time to be set by the Court, for an Order pursuant to Rules 15(a) and 16(b) of the Federal Rules of Civil Procedure granting Defendants' motion to amend their Answer, directing the filing of Defendants' proposed Amended Complaint, and for such other and further relief as the Court deems just and appropriate.

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**PLEASE TAKE FURTHER NOTICE** that Plaintiffs intend to file and serve reply papers. Therefore, any opposing papers are required, pursuant to Local Rule 7.1(c), to be served and filed at least eight (8) business days prior to the return date.

Oral argument on this motion is requested.

Dated: November 26, 2007

/s/ Sarah Snyder Merkel  
Elizabeth A. Wolford, Esq.  
Sarah S. Merkel, Esq.  
Jennifer L. Nuhfer, Esq.  
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